IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5574 of 1998

Between:

The Anumonchipalli Fishermen Co.op. Soctiety, Anumonchipally village,

Jaggayyapet Mandal, Krishna District.

Rep. by its President Pathakoti Nageshwar Rao S/o.Pitchaiah
R/o Anumonchipalli Village, Jaggayyapet Mandal,
Krishna District.

..... PETITIONER

AND

1 The Commissioner of Fisheries, Government of A.P.
Tank Bund Road, Secretariat Road,
Hyderabad
2 The Regional Deputy Director of Fisheries,
Zone.II, Kakinada
3 The District Collector, Krishna Dist.
Chilkalapudi, Machilipatnam,
Krishna District.
4 The Assistant Director of Fisheries,
Bandharkota, Machilipatnam
5 The Assistant Inspector of Fisheries,
Jaggayyapet, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of Writ of Mandamus calling for the Respondent No.4 impugned letter No.3758B/97 dt: 3-12-1997 in cancelling the lease of the petitioner society and the consequential orders issued by the Respondent No.5 to the petitioner society dt: 27-1-1998, 7-2-1998 and Respondent No.5 letter dt: 7-2-1998 addressed to the Sarpanch, Anumonchipalli Gram

Panchayat and declare the same as illegal, arbitrary, unjust and unconstitutional, besides being voilative of principles of natural justice, while issuing a consequential direction to the respondents to grant leasehold rights to the petitioner society in respect of P.W.D. Ginne Cheruvu of Anumonchipalli Village, Jaggayyapet Mandal of Krishna District by collection an enhanced lease amount by 30% over the prevoius falsi and continue to do so, in the interest of justice.

Counsel for the Petitioner: MR.D.GOVARDHANACHARY

Counsel for the Respondents: GP FOR FISHERIES & GOVERNMENT PLEADER FOR ANIMAL HUSBANDARY

The Court made the following:

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus calling for the letter No.3758B/97(1) dated 03.12.1997 of the fourth respondent in cancelling the lease of the petitioner-society and the consequential orders passed by the fifth respondent, dated 27.01.998, and the letter dated 07.02.1998 addressed by the fifth respondent to the Sarpanch, Anumonchipalli Gram Panchayat, and declaring the same as illegal and arbitrary and further, to direct the respondents to grant the leasehold rights to the petitioner-society in respect of P.W.D.Ginne Cheruvu of Anumonchipalli Village, Jaggayyapet Mandal of Krishna District by collecting the enhanced lease amount by 30% over the previous fasli.

When the matter is taken up for hearing, neither the learned counsel for the petitioner is present nor there is any representation on his behalf.

The relief sought for by the petitioner relates to cancellation of the lease of the said Cheruvu in favour of the petitioner for the faslies 1407F to 1408F (corresponding to July, 1997 to June, 1999), and no interim order was granted by this Court while admitting the writ petition. Therefore, due to lapse of time, the subject matter in this writ petition has become infructuous.

The writ petition is accordingly dismissed as having become infructuous. No order as to costs.

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25.04.2005

dr/tvk

To

1 The Commissioner of Fisheries, Government of A.P.
Tank Bund Road, Secretariat Road,
Hyderabad
2 The Regional Deputy Director of Fisheries,
Zone.II, Kakinada
3 The District Collector, Krishna Dist.
Chilkalapudi, Machilipatnam,
Krishna District.
4 The Assistant Director of Fisheries,
Bandharkota, Machilipatnam
5 The Assistant Inspector of Fisheries,
Jaggayyapet, Krishna District.

6 2 CCs to Government Pleader for Fisheries,

High Court Buildings, Hyderabad. (OUT)

7 2 CCs to Government Pleader for Animal Husbandary,

High Court Buildings, Hyderabad. (OUT)

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